

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1298 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

SUNDARLAL A JARIWALA

Versus

STATE OF GUJARAT

Appearance:

(MR MC KAPADIA) for Petitioner

MR VM PANCHOLI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

The petitioner was represented by advocate Mr M.C. Kapadia who has unfortunately expired during pendency of the petition. Ordinarily, this Court would have been required to issue notice to the petitioner for engaging another learned advocate. However, in view of the facts stated hereinafter and the subsequent legal developments, this Court has thought it fit not to issue any notice to the petitioner.

2. Heard Mr Pancholi, learned AGP for the respondents.

3. In this petition, the petitioner has challenged the order dated 27.11.1992 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 999.31 sq.mtrs. of land as excess vacant land and directing the Competent Authority to take further proceedings in light of the aforesaid finding.

While admitting the petition, this Court granted ad-interim relief against the implementation of the aforesaid order of the State Government. The Competent Authority has not proceeded further. The authorities have not taken possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions contained in the letter No. KS/30/SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-